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SAMUEL LIVERSIDGE (SBN 180578)
GIBSON, DUNN & CRUTCHER LLP
333 South Grand Avenue
Los Angeles, CA 90071
Telephone: 213.299.7000
Facsimile: 213.229.6420
E-mail: sliversidge@gibsondunn.com

MICHAEL F. RAM (SBN 104805)
RAM & OLSON LLP
555 Montgomery Street, Suite 820
San Francisco, CA 94111
Telephone: 415.433.4949
Facsimile: 415.433.7311
E-mail: mram@ramolson.com

KRISTOFOR T. HENNING (PAB 85047)
(*Pro Hac Vice*)
FRANCO A. CORRADO (PAB 91436)
(*Pro Hac Vice*)
MORGAN, LEWIS & BOCKIUS LLP
1701 Market Street
Philadelphia, PA 19103
Telephone: 215.963.5000
Facsimile: 215.963.5001
E-mail: khenning@morganlewis.com
E-mail: fcorrado@morganlewis.com

MARC H. EDELSON
(*Pro Hac Vice*)
EDELSON & ASSOCIATES, LLC
45 W. Court Street
Doylestown, PA 18901
Telephone: 215.230.8043
Facsimile: 215.230.8735
E-mail: medelson@edelsonlaw.com

Attorneys for Plaintiffs

Attorneys for Defendant
HEWLETT-PACKARD COMPANY

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

MICHAEL A. KENT, on behalf of himself
and all others similarly situated,

Plaintiff,

v.

HEWLETT-PACKARD COMPANY, a
Delaware corporation,

Defendant.

Case No. 09-05341-JF

**STIPULATED REQUEST FOR ORDER
AND ~~[PROPOSED]~~ ORDER APPROVING
AMENDED PUBLICATION NOTICE**

Before: Hon. Jeremy Fogel

Through this Stipulated Request and [Proposed] Order, Plaintiffs Michael A. Kent, Boyd Daugherty, Daniel Johanning and Jakub Cmiral (together, "Plaintiffs") and Defendant Hewlett-Packard Company ("HP") stipulate and agree to the following, and jointly seek that the Court approve this stipulation pursuant to Civil L.R. 7-12:

1 1. WHEREAS, on March 23, 2011, Plaintiffs filed a Motion for Preliminary
2 Approval of a Class Action Settlement agreed to by the parties (Dkt. No. 87).

3 2. WHEREAS, on April 14, 2011, the parties filed an Amendment to Stipulation of
4 Settlement providing for publication notice in People Magazine, along with a proposed Short
5 Form Publication Notice and an Amended [Proposed] Order Preliminarily Approving Class
6 Action Settlement, Provisionally Certifying a Nationwide Settlement Class, Approving Proposed
7 Notice, and Scheduling Fairness Hearing (Dkt. No. 90).

8 3. WHEREAS, on April 15, 2011, the Court held a hearing regarding Plaintiff's
9 Motion for Preliminary Approval of Class Action Settlement.

10 4. WHEREAS, on April 20, 2011, the Court entered the Amended Order
11 Preliminarily Approving Class Action Settlement, Provisionally Certifying a Nationwide
12 Settlement Class, Approving Proposed Notice, and Scheduling Fairness Hearing ("Preliminary
13 Approval Order") (Dkt. No. 93).

14 5. WHEREAS, among other matters, the Preliminary Approval Order "approve[d], as
15 to form and content," the "short form Notice of Class Action Settlement" attached as Exhibit E to
16 the Stipulation of Settlement (the "Publication Notice"). Preliminary Approval Order, ¶ 9.

17 6. WHEREAS, the Preliminary Approval Order also provided that the "Publication
18 Notice required to be . . . published per the Stipulation of Settlement be . . . published by May 30,
19 2011." *Id.*, ¶ 16(a).

20 7. WHEREAS, HP will place an advertisement in People Magazine to be
21 approximately 1/3 of a page in size.

22 8. WHEREAS, to meet the spatial requirements imposed by the publisher People
23 Magazine on 1/3 page advertisements, HP and Plaintiffs propose an amended Publication Notice
24 in the form attached as Exhibit 1 hereto.

25 9. WHEREAS, HP must submit to the publisher the final form of the Publication
26 Notice artwork by this Friday, April 29, 2011 to meet the Court's May 30, 2011 deadline to
27 publish notice in People Magazine.

28 10. WHEREAS, if the final Publication Notice artwork is submitted to the publisher

1 by April 29, the Publication Notice would run in People Magazine's June 3, 2011 issue, which
2 actually carries an "on-sale" date of May 27, 2011.

3 11. WHEREAS, in light of the foregoing and in order to publish notice in People
4 Magazine by May 30, 2011 pursuant to the Preliminary Approval Order, the parties respectfully
5 request the Court's approval of the form of the amended Publication Notice attached hereto as
6 Exhibit 1.

7
8 Dated: April 26, 2011

GIBSON DUNN & CRUTCHER LLP

9
10 By: /s/ Samuel G. Liversidge
11 Samuel G. Liversidge

12 Attorneys for Defendant
13 HEWLETT-PACKARD COMPANY

14
15 Dated: April 26, 2011

RAM & OLSON LLP
EDELSON & ASSOCIATES, LLC
16 GISKAN SOLOTAROFF ANDERSON &
17 STEWART LLP

18 By: /s/ Michael F. Ram
19 Michael F. Ram

20 Attorneys for Plaintiffs

21
22 PURSUANT TO STIPULATION, IT IS SO ORDERED.

23
24 Dated: April 26, 2011


25 
26 The Honorable Jeremy Rosen
27 United States District Judge
28

Exhibit 1

Legal Notice

If you purchased, leased, received as a gift or otherwise acquired an HP Pavilion Elite computer, you may benefit from a class action settlement.

A settlement has been proposed in a class action lawsuit filed against Hewlett-Packard Company ("HP") regarding certain Pavilion Elite computers.

The United States District Court for the Northern District of California will have a hearing to decide whether to give final approval to the Settlement, so that benefits can be issued. Those included have legal rights and options, such as excluding themselves from or objecting to the settlement. Get a full Notice of Settlement at the website or call (877) 835-0580.

What Is this about?

The lawsuit alleges that certain HP Pavilion Elite computers are defective and prone to blue screen failures. HP denies the allegations.

Am I a member of the Class?

You are a Class Member if you purchased, leased, received as a gift or otherwise acquired in the United States an eligible HP Pavilion Elite computer. A list of the eligible computers is available at the website.

What does the settlement provide?

HP will institute a 90-day limited service enhancement program in which eligible Class Members who experience a Lockup Failure or Blue Screen Failure can receive a free Motherboard Replacement. Eligible claimants who paid HP or an authorized HP service provider to repair a Lockup Failure or Blue Screen Failure prior to the availability of the limited service enhancement program can be reimbursed for the amount of any such payment.

In an application to be filed May 30, 2011, Class Counsel also will ask that the Court to award up to \$540,000 in fees and expenses and will ask for incentive payments of \$2,000 to each of the four class representatives.

How do I ask for benefits?

To get a reimbursement, call (877) 835-0580 or visit the website to get a Claim Form, then fill it out, sign it, include any required documentation and mail it to the address on the Form. Claims must be postmarked by **August 28, 2011**. To receive a free Motherboard Replacement, there is no action to take now. On or before the day HP implements the limited service enhancement program, it will post a notice of the program on its website with instructions on how to claim this benefit.

What are my other options?

If you do not want to be legally bound by the Settlement, you must exclude yourself from the Class by **June 29, 2011**, or you will not be able to sue, or continue to sue, HP about the legal claims this settlement resolves ever again. If you stay in the Class, you may object to the Settlement by **June 29, 2011**. The full Notice of Settlement explains how to exclude yourself or object. The Court will hold a hearing to consider whether to approve the Settlement on **July 29, 2011**, at 9:00 a.m.

What if I do nothing?

If you do nothing you will not be entitled to any Settlement benefits, but you will be bound by the terms of the Settlement and will release certain claims against HP as explained in the full Notice of Settlement.

The deadlines in this Notice may be moved, cancelled or otherwise modified, so please check the website regularly for updates.

www.HPEliteDesktopSettlement.com
(877) 835-0580